

Another Major Interim Victory – Canada’s Senate Passes Bill C-22 (the Canada Disability Benefit Act) Including Amendments that the Senate’s Standing Committee Added to Strengthen the Bill – the House of Commons Must Quickly Ratify the Senate’s Amendments

May 19, 2023

SUMMARY

Let’s happily start this long weekend with important and good news, another interim victory in the non-partisan campaign regarding Bill C-22, the proposed Canada Disability Benefit Act. On May 18, 2023, the Senate of Canada passed Bill C-22, with all amendments to it that the Senate’s Standing Committee on Social Affairs (SOCI Committee) added two weeks ago. Now this bill goes back to the House of Commons for a vote on whether to ratify the Senate’s amendments. The task that lies ahead is to press the House of Commons to hold an immediate vote, and to ratify the Senate’s amendments.

MORE DETAILS

The Senate of Canada has now voted to amend Bill C-22:

1. To prevent insurance companies from clawing back the Canada Disability Benefit from a person with disabilities who receives long-term disability benefits under an insurance policy or employee plan.
2. To guarantee that there will be a right of appeal for applicants for the Canada Disability Benefit.
3. To require Cabinet to take into account the poverty line, the additional costs of living with a disability, the intersectional disadvantages facing disadvantaged groups, and Canada’s international human rights obligations when deciding how much the Canada Disability Benefit payment will be to impoverished people with disabilities. Before this amendment, the bill required Cabinet to consider only the poverty line.
4. To impose a 1-year deadline for regulations to be enacted that are necessary to start paying out the Canada Disability Benefit to impoverished people with disabilities. Some mistakenly thought that the House of Commons Standing Committee (HUMA) had imposed a deadline for Cabinet to make those regulations, but it had not done so.

5. To fix a mess that the House of Commons Standing Committee had made, and which the AODA Alliance had rapidly identified, to the date when this bill comes into force. By the Senate's amendment, the Federal Cabinet can proclaim it in force on a date that it chooses, but if it does not do so within one year after the bill gets Royal Assent, the bill comes into force automatically at that one-year anniversary.

The Senate also approved the SOCI Committee's amendment that adds the following to the bill's preamble:

"Whereas persons with disabilities may face additional barriers because of their gender, racialized or indigenous status or other intersecting statuses;"

A bill's preamble does not give any enforceable legal rights or impose any legal duties. It is more like a public statement of Parliament's feelings, wishes or policy views.

We and a diverse spectrum of disability advocates fought hard to win those amendments. The Federal Government of Prime Minister Justin Trudeau had wanted the Senate to pass Bill C-22 without any amendments at all. However, on May 17, 2023, during the first day of the Senate's Third Reading debates, the Trudeau Government's official spokesperson on this bill, Senator Brent Cotter, urged all senators to pass the bill with the amendments that the SOCI Committee made. He stated:

"In the interest of commitment to the goals of the bill as well as in the interest of timeliness, I'd encourage you to adopt the bill in its present, amended form."

We express our deep appreciation for the Senate's passing Bill C-22 with the amendments that the SOCI Committee added to it. We also thank members of the SOCI Committee who proposed amendments and who spoke in support of amendments to strengthen this bill.

In the coming days, we will offer our reflections on the Senate's Third Reading debate over this bill. For now, let's celebrate this important milestone along the way to the passage of Bill C-22. We also want to alert you to the work ahead. With this vote in the Senate, Bill C-22 does not yet become a law. It must now go back to the House of Commons for a vote on the Senate's amendments to the bill. If the House of Commons ratifies those amendments, then Bill C-22 becomes a law that was passed by Canada's Parliament. If the House of Commons rejects any of the Senate's amendments, the bill must then go back to the Senate once again. The Senate would have to vote to pass the bill without those amendments, for which so many fought so hard. That would delay this bill for months and leave impoverished people with disabilities out in the cold in the meantime.

We all have a simple, clear and important task in front of us. We need to get the House of Commons to ratify the Senate's amendments to Bill C-22 as quickly as possible. A majority of MPs at the debate in the House of Commons need to vote yes to these amendments. We hope that all MPs in the House of Commons will support the Senate's amendments. However, even if the Trudeau Government does not vote for them, the other parties in the House of Commons can team up to ratify these amendments - that is because the Trudeau Government only has a minority government. It does not have a majority of the seats in the House of Commons.

We call on all parties and all MPs in the House of Commons to agree to an immediate vote on the Senate's amendments, with no delay. We call for all parties and all MPs to vote for those amendments. If necessary, we ask the Trudeau Government to allow for a free vote on the Senate's amendments, so that MPs can vote for them even if their own party does not agree to support them. The faster the House of Commons ratifies these amendments, the sooner Canada can start paying a Canada Disability Benefit.

There is no good reason in public policy for anyone to oppose these five wise amendments. They are certainly not all the amendments we wanted; however, they clearly improve this bill by helping speed money to impoverished people with disabilities.

We have been down this road before. Four years ago, the Senate passed several amendments to Bill C-81, the Accessible Canada Act – amendments which the Trudeau Government had not accepted when that bill was being debated in the House of Commons. After the Senate wisely passed amendments to strengthen that bill, people with disabilities had to press the House of Commons to ratify the Senate's amendments. Back then, the Trudeau Liberals had a majority of the seats in the House of Commons. If the Liberals said no to the Senate's amendments, they were doomed. After advocacy from across the disability community, the Trudeau Government voted to ratify those Senate amendments. The disability community succeeded four years ago. It can succeed again, now.

Stay tuned for more action on this front in the coming days, and action tips on how you can help. In the meantime, a big thank you to all who supported this team effort. If you want to know about just a few of the arguments that were presented to the Senate to support these amendments, check out [AODA Alliance Chair David Lepofsky's April 27, 2023 remarks to the SOCI Committee](#). We emphasize that a good number of other presenters at the Senate's public hearings advanced other powerful arguments that all combined to convince the Senate to strengthen this bill.

To learn about the campaign to strengthen Bill C-22 over the past eight months, visit the AODA Alliance website's [Bill C-22 page](#).

Your feedback is always welcome. Write us at aodafeedback@gmail.com